

FILED
OCT 21 2008

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ANITA F. RUSHING,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

Civil Case No. 07-1124-PK

ORDER

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on September 8, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiff has filed objections, and the Commissioner has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

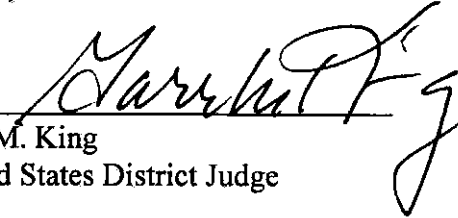
Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

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Accordingly, I ADOPT Judge Papak's Findings and Recommendation (#18). The decision of the Commissioner is AFFIRMED.

Dated this 21 day of October, 2008.



Garr M. King
United States District Judge